

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact



Part I. Proposed Action Description

1. Applicant/Contact name and address: Hodgson-Hammer, Inc.
163 Somerset Dr
Kalispell, MT 59901
2. Type of action: Surface Water Application for Beneficial Water Use Permit 76LJ
30151627
3. Water source name: Unnamed Tributary to Flathead Lake
4. Location affected by project: E2NE Section 8, Township 25N, Range 19W, Lake County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The applicant proposes to divert water from an Unnamed Tributary to Flathead Lake, by means of a pipe, from April 15-October 15 at 24 GPM up to 2.43 AF, from a point in the SENENE Section 8, Township 25N, Range 19W, Lake County, for irrigation use from April 15-October 15. The Applicant proposes to irrigate cherry trees on 1 acre. The place of use is generally located in the E2NE Section 8, Township 25N, Range 19W, Lake County.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agency websites consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program
National Wetlands Inventory
USDA NRCS Web Soil Survey

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact

The surface water source has not been evaluated by the Montana Department of Fish, Wildlife, & Parks for dewatering. The source is a spring-fed unnamed tributary which flows down the mountainside into Flathead Lake. The Applicant's water measurements show that adequate water is available in the source and based on the measurements provided, diversions are not anticipated to dry the source up.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact

The source has not been assessed for any beneficial uses by DEQ. It is not anticipated that diversion of water from the source will have any negative impacts on the water quality of the source.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impact

This application is for surface water.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No significant impact

The Applicant has received a 310 permit from the Lake County Conservation District.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No significant impact

The Montana Natural Heritage Program identified a list of 22 animal species of concern within the township and range that the project is in. Of this list, the Canada Lynx, Grizzly Bear, Yellow-billed Cuckoo, and Bull Trout are listed as "threatened" by the US Fish & Wildlife Service. Seven plant species of special concern were identified by the Montana Natural Heritage Program to potentially be in the project area. Of this list, none of the species are listed as "threatened" by the US Fish & Wildlife Service. This project area is already developed with a residence and it is not anticipated that any of the species of concern will be impacted by the proposed project.

Wolverine	Canada Lynx	Long-eared Myotis	Little Brown Myotis	Long-legged Myotis
Fisher	Western Pygmy Shrew	Grizzly Bear	Great Blue Heron	Evening Grosbeak
Yellow-billed Cuckoo	Pileated Woodpecker	Western Toad	Westslope Cutthroat Trout	Pygmy Whitefish
Bull Trout	Northern Rocky Mountains Refugium Caddisfly	Alexander's Rhyacophilan Caddisfly	A Rhyacophilan Caddisfly	Northern Rocky Mountains Refugium Caddisfly
Cordilleran Forestfly	Smoky Taildropper	Adder's Tongue	Kalm's Lobelia	Desert Groundsel
Clustered Lady's-slipper	Giant Helleborine	Giant Golden Moss	Douglas' Neckera Moss	

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No significant impact

The only wetland identified within the project area is the source of water for the proposed appropriation. It is identified as a R3UBF riverine wetland.

Classification code: R3UBF

System **Riverine (R)** : The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.

Subsystem **Upper Perennial (3)** : This Subsystem is characterized by a high gradient. There is no tidal influence, and some water flows all year, except during years of extreme drought. The substrate consists of rock, cobbles, or gravel with occasional patches of sand. The natural dissolved oxygen concentration is normally near saturation. The fauna is characteristic of running water, and there are few or no planktonic forms. The gradient is high compared with that of the Lower Perennial Subsystem, and there is very little floodplain development.

Class **Unconsolidated Bottom (UB)** : Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%. Water Regime **Semipermanently Flooded (F)** : Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No significant impact

There were no ponds identified within the project area.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact

This proposed beneficial use of this application is irrigation of a cherry orchard. It is not anticipated that this use will have an impact on the soil quality, stability, or moisture content. It will be in the Applicant's best interest to ensure good soil quality and stability. The predominant soil in the project area is Mollman gravelly loam, 15-30% slopes.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact

It is not anticipated that issuance of a water use permit will contribute to the spread of noxious weeds in the project area. It is the landowner's responsibility to prevent the spread of noxious weeds on their property, and it is in their best interest to do so given they intend to plant an orchard.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact

There will be no impact to air quality associated with issuance of a water use permit.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A- Project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other potential impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No access or recreational activities will be significantly impacted by this project.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This proposed project will have no significant impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No regulatory impacts are known.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified
- (k) Other appropriate social and economic circumstances? No significant impacts identified

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not allow the Applicant to divert water from the unnamed tributary to Flathead Lake for irrigation of an orchard.

PART III. Conclusion

1. ***Preferred Alternative***

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2 ***Comments and Responses***

None

3. ***Finding:***

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Nathaniel T. Ward

Title: Program Specialist

Date: August 26, 2021